

THURSDAY, MAY 16, 1991

FORTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Carlton Buck, First Christian Disciples of Christ Church, Shelbyville, Tennessee.

Representative Pete Phillips led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Nuber; due to personal reasons.

REPORT OF COMMITTEE ON CALENDAR AND RULES
May 14, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Thursday, May 16, 1991: House Bill(s) No(s). 867, 303, 1528, 815, 907, 1109, 735, 742, 122, 78, 1157, 392 and 394.

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We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 20, 1991**: House Bill(s) No(s). 337 and 856.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

FINANCE, WAYS AND MEANS COMMITTEE
May 14, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 764; for passage if amended: House Bill(s) No(s). 876.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 764; House Bill(s) No(s). 876 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

MESSAGE FROM THE GOVERNOR
May 14, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 18, 33, 42, 47, 153, 157, 158, 159, 160, 163, 164, 165, 166, 180, 233, 234, 236, 239, 240, 244, 248, 252, 254, 255, 256, 260, 261, 294, 333, 632, 687, 887, 888, 889, 934, 944, 956, 973, 1008, 1028, 1037, 1094, 1173, 1201, 1306, 1311, 1373, 1395, 1402, 1570, 1573, 1577, 1578, 1579, 1581, 1585 and 1589; also, House Joint Resolution(s) No(s). 103, 121, 185, 273, 275, 277, 278, 282, 283, 284, 285, 286, 287, 288, 290, 291, 292, 293, 294, 295, 299, 300, 301, 302, 303, 304, 307, 308 and 309; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK
May 14, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 181, 215, 469, 647, 649, 703, 1175, 1568, 1595, 1596, 1597, 1598 and 1599; also, House Joint Resolution(s) No(s). 14, 84, 334, 337, 338 and 339; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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**MESSAGE FROM THE SENATE
May 14, 1991**

MR. SPEAKER: I am directed to return House Bill No. 1473; passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
May 15, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, May 16, 1991**: House Bill(s) No(s). 32, 1247, 1440, 1228 and 767.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 20, 1991**: Senate Joint Resolution(s) No(s). 217; House Joint Resolution(s) No(s). 122, 177 and 67; also, House Bill(s) No(s). 364.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**FINANCE, WAYS AND MEANS COMMITTEE
May 15, 1991**

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 386; for passage if amended: House Bill(s) No(s). 752 and 1114.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 386; House Bill(s) No(s). 752 and 1114 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

**MESSAGE FROM SENATE
May 15, 1991**

MR. SPEAKER: I am directed to request the return of House Bill No. 1141, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**ENGROSSED BILLS
May 15, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1036 and 1252; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
May 15, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 39, 71, 210, 217, 243, 280, 568, 966, 972, 1079, 1304, 1351, 1473 and 1483; House Resolution(s) No(s). 95, 96, 98, 101, 102, 103, 104, 105, 107 and 108; also, House Joint Resolution(s) No(s). 176, 310, 312, 313, 314, 315, 316, 318, 327 and 336; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
May 15, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 39, 71, 210, 217, 243, 280, 568, 966, 972, 1079, 1304, 1351, 1473 and 1483; House Joint Resolution(s) No(s). 176, 310, 312, 313, 314, 315, 316, 318, 327 and 336; also, House Resolution(s) No(s). 95, 96, 98, 101, 102, 103, 104, 105, 107 and 108.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 15, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 582, 622, 631, 763, 919, 974, 1046, 1307, 1320, 1321 and 1384; also, Senate Joint Resolution(s) No(s). 211, 228, 230, 231, 233, 237, 238, 240, 241, 242, 245, 253, 265 and 266; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE
May 15, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 256, 319, 320, 321, 322 and 324; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1991

MR. SPEAKER: I am directed by the Senate to return Senate Bill No. 1076.

CLYDE W. McCULLOUGH,
Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1252; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 264; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 155; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**MESSAGE FROM THE SENATE
May 15, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 280; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 15, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1323; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1323 -- Courts, Juvenile -- Levies \$12.00 fee on juvenile court cases; earmarks revenue for juvenile justice training center. Amends TCA, Title 37, Ch. 1, pt. 1. by *McKnight.

**MESSAGE FROM THE SENATE
May 15, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 250, 251, 252, 255 and 256; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0250 -- Memorials, Public Service -- Gary King, President of Carter Oil Company. by *Womack.

Senate Joint Resolution No. 0251 -- Memorials, Public Service -- James Lewis Allen. by *Rochelle, Womack.

Senate Joint Resolution No. 0252 -- Memorials, Interns -- Paul Douglas Goddard, III. by *Rochelle, Greer, Patten, Lawson.

Senate Joint Resolution No. 0255 -- Naming and Designating -- Native American Indian Month, October 1991. by *Haynes, Cooper, Lawson.

Senate Joint Resolution No. 0256 -- Memorials, Public Service -- New Bethel Missionary Baptist Church. by *Davis E.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
May 16, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we

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have met and set the following bills on the **Regular Calendar** for **Monday, May 20, 1991**: House Bill(s) No(s). 852, 893, 1136, 398, 764, 1567, 904, 752, 381 and 1114; also, Senate Bill(s) No(s). 125.

We have also set the following bills on the **Regular Calendar** for **Thursday, May 23, 1991**: Senate Bill(s) No(s). 1063.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 20, 1991**: House Bill(s) No(s). 1269, 1608, 1135, 1544 and 1062; Senate Joint Resolution(s) No(s). 26 and 197; also, House Resolution(s) No(s). 73.

HOUSE BILL RETURNED

There being no objection, Rep. Herron asked that the Clerk be directed to return **House Bill No. 1141** to the Senate as requested.

CONSENT CALENDAR

House Joint Resolution No. 0343 -- Memorials, Personal Achievement -- Dixie Liner, Tennessee Mother of the Year.

House Joint Resolution No. 0344 -- Memorials, Professional and Business Achievement -- Donna R. Davis, President, Tennessee Trial Lawyers Association.

House Joint Resolution No. 0345 -- Memorials, Personal Achievement -- Marie Williams, "Mother of Year".

House Joint Resolution No. 0346 -- Memorials, Public Service -- Willie W. Herenton, Memphis City School System.

House Joint Resolution No. 0347 -- Memorials, Congratulations -- Angela Gunter.

House Joint Resolution No. 0348 -- Memorials, Congratulations -- Wilma Darlene Knox.

House Joint Resolution No. 0349 -- Memorials, Congratulations -- James Ward.

House Joint Resolution No. 0350 -- Memorials, Congratulations -- Dossy Hamby.

House Joint Resolution No. 0351 -- Memorials, Congratulations -- David Hamby.

House Joint Resolution No. 0352 -- Memorials, Congratulations -- Lester Fountain.

House Joint Resolution No. 0353 -- Memorials, Congratulations -- Angela Rich.

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House Joint Resolution No. 0354 -- Memorials, Congratulations -- Russell Wood.

House Bill No. 1602 -- Jellico -- Revises charter. Repeals Chapter 336, Acts of 1903, as amended.

House Bill No. 1610 -- Chester County -- Revises purchasing provisions. Amends Chapter 227, Private Acts of 1949, as amended.

House Bill No. 1611 -- Carthage -- Repeals city charter; enacts new corporate charter. Amends Chapter 186, Acts of 1901, as amended.

House Bill No. 1613 -- Kingsport -- Revises charter. Amends Chapter 76, Private Acts of 1917, as amended.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1613; by Rep. Hubbard.

Under the rules, House Bill No. 1613 was/were placed at the foot of the calendar for Monday, May 20, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Consent Calendar and have this statement entered in the Journal.

Rep. Karen Williams

REGULAR CALENDAR

House Bill No. 0860 -- Hickman County -- Increases severance tax on phosphate rock, ore or phosphate bearing material. Amends Chapter 92, Private Acts of 1979.

Further consideration of House Bill No. 860, previously considered on May 1 and 2, 1991, at which time it was reset to the Calendar for May 16, 1991.

On motion of Rep Jackson, **House Bill No. 860** was withdrawn from the House.

***House Bill No. 0015** -- Election Laws -- Establishes contribution limits. Amends TCA, Title 2, Ch. 10.

Further consideration of House Bill No. 15, previously considered on May 9, 1991, at which time it was reset to the Calendar for May 16, 1991.

Rep. Kisber moved that House Bill No. 15 be reset one week to the Calendar for Thursday, May 23, 1991, which motion prevailed.

House Bill No. 1085 -- Antique Dealers -- Permits use and possession of antique slot machines under certain circumstances. Amends TCA, Title 39, Ch. 17, Pt. 5.

Further consideration of House Bill No. 1085, previously considered on May 6 and 9, 1991, at which time it was reset to the Calendar for May 16, 1991.

Rep. Moore moved that House Bill No. 1085 be reset one week to the Calendar for Thursday, May 23, 1991, which motion prevailed.

***House Bill No. 0125** -- Wildlife Resources Commission -- Makes hunting, killing, ensnaring, or destroying, or the attempt to do so, wildlife except as permitted by commission, Class B misdemeanor, punishable only by fine. Amends TCA, Title 70.

Further consideration of House Bill No. 125, previously considered on May 9, 1991, at which time it was reset to the Calendar for May 16, 1991.

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Rep. Odom moved that House Bill No. 125 be reset one week to the Calendar for Thursday, May 23, 1991, which motion prevailed.

PRESENT IN CHAMBER

Representative(s) Shirley Duer was/were recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

House Bill No. 1323 -- Equalization Board -- Prohibits certain persons from serving on Shelby County board of equalization. Amends TCA, Title 67.

Further consideration of House Bill No. 1323, previously considered on May 6 and 9, 1991, at which time it was reset to the Calendar for May 16, 1991.

On motion, House Bill No. 1323 was made to conform with Senate Bill No. 711.

On motion, **Senate Bill No. 711**, on same subject, was substituted for House Bill No. 1323.

Rep. Cross moved that **Senate Bill No. 711** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Cross moved that **Senate Bill No. 711** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	3
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Dixon, Jones U (Shelby), Turner

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(Shelby) -- 3.

Representatives present and not voting were: Herron, Williams (Union), Windle -- 3.

A motion to reconsider was tabled.

***House Bill No. 1461** -- Taxes, Real Property -- Permits informal dispositions in certain property tax appeals. Amends TCA 67-5-1505.

Further consideration of House Bill No. 1461, previously considered on May 13, 1991, at which time it was reset to the Calendar for May 16, 1991.

On motion, House Bill No. 1461 was made to conform with Senate Bill No. 1481.

On motion, **Senate Bill No. 1481**, on same subject, was substituted for House Bill No. 1461.

Rep. Knight moved that **Senate Bill No. 1481** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

House Bill No. 1026 -- Correction, Dept. of -- Prohibits use of department probation program for misdemeanants. Amends TCA, Title 40.

Further consideration of House Bill No. 1026, previously

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considered on May 13, 1991, at which time it was reset to the Calendar for May 16, 1991.

Rep. Wix moved that House Bill No. 1026 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1026 by deleting the amendatory language of Section 3 and by substituting instead the following:

The court shall not place a defendant who is convicted of a misdemeanor on probation under the supervision of the department of correction in any county which has other probation services for a person convicted of a misdemeanor. The court may only place such defendant on probation under the supervision of the probation services program used by the county.

AND FURTHER AMEND by deleting from the amendatory language of Section 4 the language "its own" and by substituting instead the language "other".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1026 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than 770,000 nor more than 780,000 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Wix moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1026 by deleting Sections 1 through 5 in their entirety and by substituting the following to be designated as Sections 1, 2 and 3:

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Section 1. Tennessee Code Annotated, Section 40-35-302, is amended by adding the following language to be designated as subsection (f):

(f) The court shall have the authority to order a defendant placed on probation to be supervised by any public or private agency, program or association which has been established for the purpose of supervising defendants convicted of misdemeanors. The court is encouraged to consider any public or private agency, program or association for supervision prior to ordering the department of correction to supervise the defendant.

Section 2. Tennessee Code Annotated, Section 40-35-303(i), is amended by adding the following language after the last sentence:

The court may order such payments to be made directly to the agency, department, program, group or association responsible for the supervision of such defendant in lieu of making such payments to the clerk of the court.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Wix moved that House Bill No. 1026, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigbsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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RULES SUSPENDED

Rep. Ridgeway moved to suspend the rules so that House Bill No. 264 on today's Message Calendar can be heard at this time, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0264 -- General Assembly -- Moves portion of state representative district 75 to state representative district 76. Amends TCA, Titles 2, 3.

Senate Amendment No. 3

Amend House Bill No. 264 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Senate Amendment No. 4

Amend House Bill No. 264 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 2-5-101, as amended by Chapter 153 of the Public Acts of 1991 is amended by adding the following new subsection:

() The provisions of Tennessee Code Annotated, Section 2-5-101, as amended by Chapter 153 of the Public Acts shall not apply to any elections held in 1991 in any county. Elections for or in such county for 1991 shall be held in accordance with the law as it existed prior to the enactment of Chapter 153 of the Public Acts of 1991.

Rep. Ridgeway moved that the House concur in Senate Amendment(s) No(s). 3 and 4 to **House Bill No. 264**, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles,

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Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 0046** -- General Assembly, Studies -- Creates joint committee to study reducing certain AFDC benefits for unexcused absences from school in certain circumstances.

Further consideration of House Joint Resolution No. 46, previously considered on April 22 and 24, 1991, at which time it was reset to the Calendar for May 16, 1991.

Rep. U. Jones moved that House Joint Resolution No. 46 be adopted, which motion prevailed.

***House Bill No. 0303** -- Taxes -- Enacts "Tax Reform Law of 1991". Amends TCA, Titles 57, 67.

Rep. Bragg moved that House Bill No. 303 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 303 by deleting all sections of the bill and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-502, is amended by adding the following sentence at the end of subsection (c):

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Personal property which is leased to and used by any religious, charitable, scientific or nonprofit educational institution purely and exclusively for one (1) or more of the purposes for which the institution was previously determined to be exempt under Section 67-5-212, shall not be deemed to be used in a business or profession and shall not be classified as industrial or commercial property for property tax purposes.

Section 2. Tennessee Code Annotated, Section 67-5-1501, is amended by adding the following new subsection:

The board is authorized to impose a filing fee not to exceed ten dollars (\$10) per parcel for appeals in matters other than property tax exemptions (Title 67, Part 2) and tax relief (Title 67, Part 7).

Section 3. This act shall take effect upon becoming law, the public welfare requiring it, and shall apply with respect to the 1991 tax year.

Rep. Kent moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 303 by adding to the end of Section 2 the following new language:

Such fees and charges shall be refunded to taxpayer if such appeal is withdrawn.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. Bragg renewed the motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Bragg moved that **House Bill No. 303**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes.	49
Noes.	43
Present and not voting.	2

Representatives voting aye were: Armstrong, Bivens, Bragg, Buck, Clark, Coffey, Collier, Copeland, Crain, Davidson, Davis (Gibson), DeBerry, Dixon, Fowlkes, Garrett, Givens, Hargrove, Haun, Head, Hillis, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, Love, McAfee, Moore, Napier, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Tindell, Turner

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(Hamilton), West, Williams (Shelby), Wood, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Byrd, Callicott, Chiles, Chumney, Cole, Cross, Curlee, Davis (Cocke), Davis (Knox), Duer, Ferguson, Gunnels, Haley, Halteman, Harrill, Hassell, Hill, Holcomb, Joyce, Kent, Liles, McDaniel, McKee, Meyer, Niceley, Odom, Peroulas Draper, Phillips, Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Walley, Williams (Union), Windle, Winningham -- 43.

Representatives present and not voting were: Herron, Johnson -- 2.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on House Bill No. 303 and have this statement entered in the Journal.

Rep. Charlie Severance

MOTION TO RECONSIDER

Rep. Copeland moved, that, having voted on the prevailing side, House Bill No. 303 be reconsidered, pursuant to **Rule No. 40**, with the appropriate motion spread in the Journal.

Rep. Rhinehart moved that House Bill No. 303 be reconsidered since the Chair did not call the vote.

RULING OF THE CHAIR

The Chair announced that, pursuant to **Rule No. 39**, House Bill No. 303 having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

The Chair further ruled that since Rep. Copeland had voted "aye", and that was not the prevailing side, his motion was out of order.

MOTION TO RECESS

On motion of Speaker Pro Tem DeBerry, the House recessed for five minutes.

RECESS EXPIRED

The recess having expired, the House was called to order by Speaker Pro Tem DeBerry.

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On motion of Rep. Chiles, the roll call was dispensed with.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

MOTION TO RECESS

On motion of Mr. Speaker Naifeh, the House recessed for 15 minutes to correct electronic problems in the voting machine.

MESSAGE FROM THE SENATE

May 16, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 309; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Bill No. 0309 -- Courts, General Sessions -- Creates new court clerk position.

MESSAGE FROM THE SENATE

May 16, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1594; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 16, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1292; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 16, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 100.

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The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 16, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 633.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2.

The Speaker appointed a Conference Committee composed of Senators Greer, Chairman; Kyle and Lawson to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 633.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 16, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 861.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 5.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 16, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 457.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 5.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
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MR. SPEAKER: I am directed to transmit to the House, Senate

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Bill(s) No(s). 248; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0248** -- Taxes, Hotel Motel -- Provides stricter administration and collection of taxes. Amends TCA, Title 67, Ch. 4, Pt. 14. by *Crutchfield.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Chiles, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1528** -- Gambling -- Allows display of gambling devices at trade shows. Amends TCA, Title 39, Ch. 17, Pt. 5.

Rep. Dixon moved that House Bill No. 1528 be passed on third and final consideration which motion he then withdrew.

Rep. Dixon moved that House Bill No. 1528 be reset one week to the Calendar for Thursday, May 23, 1991, which motion prevailed.

House Bill No. 0815 -- Driver Licenses -- Authorizes suspension or denial of driver licenses of certain persons committing certain acts involving alcohol. Amends TCA, Title 55, Ch. 10, Pt. 7; Title 57, Chs. 3--5.

On motion, House Bill No. 815 was made to conform with Senate Bill No. 408.

On motion, **Senate Bill No. 408**, on same subject, was substituted for House Bill No. 815.

Rep. Kisber moved that **Senate Bill No. 408** be passed on third and final consideration.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 408 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Title 55, Chapter 10, Part 7, is amended by adding the following as

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an appropriately numbered new section:

Section _____. If a person's driving privileges have been denied pursuant to this part, when such person becomes eighteen (18) years of age all records relating to such denial maintained by the court in which the conviction or adjudication occurred and by the department of safety shall be expunged and the driving record maintained by the department of safety on such person shall not reflect that such a denial of driving privileges occurred.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 408 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 55-10-701, is amended by deleting from the first sentence of subsection (a) the words and number "twenty-four (24) hours" and substituting instead the words and number "five (5) working days".

FURTHER AMEND by deleting from the first sentence of the amendatory language of subsection (5)(C) of Section 1 the words and number "twenty-four (24) hours" and substituting instead the words and number "five (5) working days".

FURTHER AMEND by deleting from the amendatory language of subsection (C) of Section 3 the words and number "twenty-four (24) hours" and substituting instead the words and number "five (5) working days".

FURTHER AMEND by deleting from the amendatory language of subsection (B) of Section 4 the words and number "twenty-four (24) hours" and substituting instead the words and number "five (5) working days".

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 408 by adding the following new section immediately preceding the last section and by

renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 4 follows:

Amendment No. 4

Amend Senate Bill No. 408 by adding the following sentence to the end of the amendatory language of the Section _____. added by House Judiciary Committee Amendment 1:

Provided, however, this section shall apply only upon the expiration of the denial or suspension previously ordered by the juvenile court judge and when all requirements for reinstatement have been met.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Kisber moved that **Senate Bill No. 408**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	5
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Callicott, Head, Liles, Pruitt, Turner (Shelby) -- 5.

Representatives present and not voting were: Jones U (Shelby),

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Severance -- 2.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 0907 -- Indigents -- Enacts "Tennessee Family Insurance Assistance Program". Amends TCA, Title 71.

On motion, House Bill No. 907 was made to conform with Senate Bill No. 737.

On motion, **Senate Bill No. 737**, on same subject, was substituted for House Bill No. 907.

Rep. Kisber moved that **Senate Bill No. 737** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 737** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Callicott, Stamps -- 2.

A motion to reconsider was tabled.

House Bill No. 0867 -- Taxes, Sales -- Removes certain sales and use tax exemptions. Amends TCA, Title 67, Ch. 6.

Rep. Rhinehart moved that House Bill No. 867 be passed on third and final consideration.

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On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Rhinehart moved to amend as follows:

Amendment No. 2

Amend House Bill No. 867 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-329, is amended by deleting subdivisions (3), (4), and (12) from subsection (a).

Tennessee Code Annotated, Section 67-6-329, is further amended by adding a new subdivision to subsection (a) as follows:

() Periodicals printed entirely on newsprint and regularly distributed on a weekly or more frequent basis, and advertising supplements or other printed matter distributed with such periodicals;

Section 2. Tennessee Code Annotated, Section 67-6-323, is amended by deleting the section in its entirety.

Section 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Shirley moved to amend as follows:

Amendment No. 3

Amend House Bill No. 867 is amended by adding the following new section immediately preceding the effective date section:

Section _____. Tennessee Code Annotated, Sections 67-6-301 through 67-6-344, inclusive, are hereby repealed.

Rep. Rhinehart moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	70
Noes.	18
Present and not voting.	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Ferguson, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson,

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Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Anderson, Callicott, Chiles, Dixon, Duer, Haley, Halteman, Harrill, Haun, Joyce, McDaniel, McKee, Niceley, Severance, Shirley, Stamps, Tullos, Williams (Union) -- 18.

Representatives present and not voting were: Wix -- 1.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on motion to table Amendment No. 3 to House Bill No. 867 and have this statement entered in the Journal.

H. E. Bittle

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Rhinehart moved that House Bill No. 867, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	66
Noes.	29

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chumney, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Fowlkes, Garrett, Givens, Halteman, Hargrove, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Turner (Hamilton), Venable, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Buck, Chiles, Cole, Cross, Davis (Knox), Duer, Ferguson, Gunnels, Haley, Harrill, Hassell, Haun, Hill, Holcomb, Joyce, Liles, McDaniel, McKee, Meyer, Niceley, Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Walley, West, Williams (Union), Windle -- 29.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 867 and have this statement entered in the Journal.

Rep. John Arriola

REGULAR CALENDAR, CONTINUED

House Bill No. 1109 -- Commerce and Insurance, Dept. of -- Authorizes increases in security guard fee structures to make regulatory program self sufficient. Amends TCA, Title 62, Ch. 35.

On motion, House Bill No. 1109 was made to conform with Senate Bill No. 988.

On motion, Senate Bill No. 988, on same subject, was substituted for House Bill No. 1109.

Rep. Kisber moved that Senate Bill No. 988 be passed on third and final consideration.

On motion, Rep. Bivens withdrew Commerce Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 988 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	57
Noes.	33
Present and not voting.	5

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens Bragg, Buck, Byrd, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davis (Cocke), Davis (Gibson), Duer, Fowlkes, Garrett, Givens, Haley, Hargrove, Head, Holcomb, Holt, Huskey, Johnson, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Tindell, Turner (Hamilton), Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Anderson, Callicott, Cross, Davidson, Davis (Knox), Ferguson, Gunnels, Halteman, Harrill, Hassell, Haun, Herron, Hill, Hillis, Jones R (Shelby), Joyce, Kent, Liles, Meyer, Niceley, Peroulas Draper, Rhinehart, Severance, Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Walley, West, Williams (Union), Windle, Wood -- 33.

Representatives present and not voting were: DeBerry, Dixon, Hubbard, Jones U (Shelby), Venable -- 5.

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A motion to reconsider was tabled.

House Bill No. 0735 -- Obscenity and Pornography -- Revises law relative to the production and distribution of certain obscene matter. Amends TCA 39-17-902.

On motion, House Bill No. 735 was made to conform with Senate Bill No. 29.

On motion, **Senate Bill No. 29**, on same subject, was substituted for House Bill No. 735.

Rep. Chiles moved that **Senate Bill No. 29** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 29 by deleting from the amendatory language of Section 2 the language "A second or subsequent violation of subsection (a) is a Class E felony" and substituting instead the language "A second or subsequent violation of subsection (a) is a Class E felony provided such second or subsequent violation occurs after a conviction has been obtained for the previous such violation".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Chiles moved that **Senate Bill No. 29**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West,

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Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Callicott -- 1.

A motion to reconsider was tabled.

House Bill No. 0742 -- County Government -- Limits period during which Class 2 county legislative body must act to determine compensation of successor legislative body. Amends TCA 5-5-107.

On motion, House Bill No. 742 was made to conform with Senate Bill No. 834.

On motion, **Senate Bill No. 834**, on same subject, was substituted for House Bill No. 742.

Rep. Copeland moved that **Senate Bill No. 834** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Copeland moved that **Senate Bill No. 834** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Givens, Rigsby -- 2.

A motion to reconsider was tabled.

***House Bill No. 0122** -- Real Property -- Increases from Class E

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to Class D felony transferring of property by warranty deed with knowledge of outstanding lien mortgage claims. Amends TCA, Title 66.

Rep. Odom moved that House Bill No. 122 be passed on third and final consideration.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 122 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 66, is amended by adding as a new section the following:

Section _____. The provisions of Title 66, Chapter 34, "The Prompt Pay Act of 1991", as enacted by Public Chapter 45 Acts of 1991, shall not apply to any bank, savings bank, savings and loan association, industrial loan and thrift company, other regulated financial institution, or insurance company.

Section 2. This act shall take effect on July 1, 1991, the public welfare requiring it.

Rep. Williams (Shelby) moved to amend Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 122 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, as amended by Chapter 45 of the Public Acts of 1991, is amended in the section designated as 66-34-205 by adding the following new sentence:

This section shall also not apply to any bank, savings bank, savings and loan association, industrial loan and thrift company, other regulated financial institution, or insurance company unless such financial institution or insurance company is a party to a construction contract.

SECTION 2. This act shall take effect on July 1, 1991, the public welfare requiring it.

Rep. Odom moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

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Ayes.	69
Noes.	24
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Kent, King, Kisber, Knight, Liles, Love, McAfee, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Arriola, Bragg, Callicott, Chumney, DeBerry, Dixon, Ferguson, Haley, Halteman, Herron, Holcomb, Jones R (Shelby), Jones U (Shelby), Joyce, McDaniel, Niceley, Pruitt, Robinson (Hamilton), Shirley, Sipes, Stamps, Tullos, Williams (Shelby), Windle -- 24.

Representatives present and not voting were: Byrd, West -- 2.

Rep. Byrd renewed the motion to adopt Amendment No. 1, which motion prevailed.

Thereupon, Rep. Odom moved that **House Bill No. 122**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	2
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Arriola, Ferguson -- 2.

Representatives present and not voting were: Byrd, West, Windle -- 3.

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A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on House Bill No. 122 and have this statement entered in the Journal.

Rep. John Arriola

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on House Bill No. 122 and have this statement entered in the Journal.

Rep. Dennis Ferguson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to aye on House Bill No. 122 and have this statement entered in the Journal.

Rep. John Mark Windle

REGULAR CALENDAR, CONTINUED

***House Bill No. 0078 -- Metropolitan Government --** Increases penalty for violation of adult entertainment laws from \$50 fine to Class C misdemeanor. Same as SB 788. Amends TCA, Title 7.

On motion, House Bill No. 78 was made to conform with Senate Bill No. 715.

On motion, **Senate Bill No. 715**, on same subject, was substituted for House Bill No. 78.

Rep. Odom moved that **Senate Bill No. 715** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 715 by deleting Section 1 in its entirety and by inserting instead the following new section:

Section 1. Tennessee Code Annotated, Section 7-2-108, is amended by adding the following language as a new

subsection to be appropriately designated:

() The metropolitan charter shall provide that any member of a board, commission or authority, created under the charter of a metropolitan government may be removed from office upon a vote of two-thirds (2/3) of the members of the governing body of such metropolitan government for the grounds as set forth in a resolution passed by a majority of the members of such governing body and only after the holding of a public hearing before such governing body.

The grounds for removing any member of a board, commission or authority shall consist of any of the following:

(1) the commission of any act constituting a felony under the laws of this state, any other state or the United States; or

(2) the commission of any act constituting any other offense related to the duties and responsibilities of such members; or

(3) malfeasance with respect to the duties and responsibilities of such members.

It shall be irrelevant that the acts or omissions under this section occurred at a term of office held by the member which preceded the term currently being served, and irrespective of any gap in service of such member.

Any member of such boards, commissions or authorities is automatically suspended upon being indicted for any crime which is also a ground for removal. Such suspension is to continue in effect until the criminal prosecution is dismissed, the individual is acquitted, or the member is removed from office due to the entry of a final judgment of conviction and sentencing of the member.

Any member against whom removal proceedings are begun may be suspended from membership on such board, commission or authority pending the resolution of the proceedings by the governing body. The suspension may be part of the resolution for removal adopted by such governing body.

Rep. Chiles moved to table Amendment No. 1, which motion he then withdrew.

On motion, Amendment No. 1 was adopted.

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Rep. Arriola moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 715 by inserting the following language as a new, appropriately designated section immediately preceding the last section and by renumbering the final section accordingly:

SECTION _____. Notwithstanding any other law to the contrary, the governing body of an airport authority for any county having a metropolitan form of government shall not authorize or allow rock quarry or surface mining operations to be undertaken on property owned by the authority if such property is used as an airport or if such property is located adjacent to property used as an airport.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes.	36
Noes.	17
Present and not voting.	38

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Byrd, Chumney, Clark, Collier, Cross, Curlee, DeBerry, Ferguson, Halteman, Hargrove, Herron, Hill, Hillis, Holt, Jackson, Johnson, Kernell, King, Meyer, Moore, Odom, Phillips, Pinion, Purcell, Rigsby, Rinks, Stamps, Tindell, Turner (Hamilton), West, Windle, Winningham -- 36.

Representatives voting no were: Bittle, Callicott, Chiles, Duer, Garrett, Head, Hubbard, Love, McAfee, Niceley, Rhinehart, Robinson (Hamilton), Shirley, Sipes, Tullos, Williams (Shelby), Wood -- 17.

Representatives present and not voting were: Allen, Anderson, Bragg, Buck, Cole, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Fowikes, Givens, Gunnels, Haley, Harrill, Hassell, Haun, Holcomb, Huskey, Jones U (Shelby), Joyce, Kent, Kisber, Liles, McDaniel, McKee, Napier, Peroulas Draper, Pruitt, Robinson (Washington), Severance, Turner (Shelby), Venable, Walley, Whitson, Williams (Union), Mr. Speaker Naifeh -- 38.

Rep. Arriola moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 715 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No officer of an electric system owned and operated by a metropolitan government shall receive any

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salary increase that exceeds ten percent (10%) of such officer's base salary for the previous year unless such increase is approved by a unanimous vote of the board of directors of such system and by a majority vote of the legislative body of such metropolitan government.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Odom moved that **Senate Bill No. 715**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	60
Noes.	9
Present and not voting.	26

Representatives voting aye were: Arriola, Bell, Bivens, Buck, Byrd, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Gunnels, Haley, Halteman, Hargrove, Hassell, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Liles, Meyer, Moore, Napier, Odom, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 60.

Representatives voting no were: Bragg, Callicott, Chiles, Chumney, Duer, Garrett, Head, McDaniel, Niceley -- 9.

Representatives present and not voting were: Allen, Anderson, Armstrong, Bittle, Davidson, Davis (Cocke), Fowlkes, Givens, Harrill, Haun, Holcomb, Hubbard, Jones U (Shelby), Joyce, Love, McKee, Peroulas, Draper, Pruitt, Robinson (Hamilton), Robinson (Washington), Severance, Tullos, Venable, Walley, Whitson, Mr. Speaker Naifeh -- 26.

A motion to reconsider was tabled.

House Bill No. 0394 -- Courts, General Sessions -- Creates new court clerk position.

On motion, House Bill No. 394 was made to conform with Senate Bill No. 309.

On motion, **Senate Bill No. 309**, on same subject, was substituted for House Bill No. 394.

Rep. Chumney moved that **Senate Bill No. 309** be passed on third and final consideration.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

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Amendment No. 1

AMEND Senate Bill No. 309 by deleting Section 9 in its entirety and substituting instead the following:

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

FURTHER AMEND by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. This act shall be local in effect and shall become effective upon the contingency of a two-thirds (2/3) vote of the county legislative body of any county having a population in excess of seven hundred thousand (700,000) according to the 1980 federal census or any subsequent federal census approving the provisions of this act.

FURTHER AMEND by deleting from the first sentence of SECTION 2 (a) the words "In counties which have" and substituting instead the words "In counties which have a population in excess of seven hundred thousand (700,000) according to the 1980 federal census or any subsequent federal census and which have".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 309 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No state funds shall be obligated or expended to implement the provisions of this act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Chumney moved that **Senate Bill No. 309**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	7
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Callicott, Chiles, Halteman, Head, Joyce, Liles, Stamps -- 7.

Representatives present and not voting were: Sipes, Williams (Union) -- 2.

A motion to reconsider was tabled.

***House Bill No. 0392 -- State Government -- Enacts "Reduction of Waste in Government Act".**

On motion, House Bill No. 392 was made to conform with Senate Bill No. 645.

On motion, **Senate Bill No. 645**, on same subject, was substituted for House Bill No. 392.

Rep. Chumney moved that **Senate Bill No. 645** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 645 by inserting the following preamble between the caption and the enacting clause:

WHEREAS, the State of Tennessee is in the midst of a financial crisis with revenue shortfalls requiring drastic cuts in the state's existing budget and in the governor's proposed budget; and

WHEREAS, although there has always been a need for improved efficiency in government, there is a particular need for such improvement based upon the current fiscal crisis; and

WHEREAS, in order to improve on the efficiency of state government, the state must:

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(1) recognize waste, duplication, redundancy, and inefficiency in the operation of state government;

(2) promote skills and habits consistent with practices that maximize the efficacious operation of state government; and

(3) facilitate the receipt of new ideas and practices which will further reduce the costs of state government without degrading the services of state government,

AND FURTHER AMEND by deleting all language following the enacting clause and by substituting instead the following:

Section 1. The department of finance and administration is authorized:

(1) to determine the feasibility of establishing a performance incentive program for state employees to reward improvement in services by units of government; and

(2) to review the budgetary process for means of encouraging improved performance by agencies of state government through budgetary incentives.

Section 2. The department is required to report, no later than December 31, 1991, to the governor, to each speaker of the respective houses of the general assembly and to all other members of the general assembly its recommendations concerning its determination and review.

Section 3. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Chumney moved that **Senate Bill No. 645**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom,

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Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Head -- 1.

A motion to reconsider was tabled.

***House Bill No. 0032** -- Firearms and Ammunition -- Removes requirement that weapons must be carried with intent to go armed on school property or in public parks in order to be unlawful. Amends TCA, Title 39, Ch. 17, Pt. 13.

Rep. Hubbard moved that House Bill No. 32 be reset to the Calendar for Monday, May 20, 1991, which motion prevailed.

***House Bill No. 1247** -- Solid Waste Disposal -- Extends from two years to thirty months time for state planning office to distribute guidelines concerning waste reduction and recyclable materials. Amends TCA, Title 68, Chs. 31, 33.

On motion, House Bill No. 1247 was made to conform with Senate Bill No. 1449.

On motion, **Senate Bill No. 1449**, on same subject, was substituted for House Bill No. 1247.

Rep. Windle moved that **Senate Bill No. 1449** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Windle moved that **Senate Bill No. 1449** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1440 -- Taxes, Personal Property -- Provides that equipment valued at \$500 or less is deemed to have no value for personal property tax purposes. Amends TCA 67-5-901.

On motion, House Bill No. 1440 was made to conform with Senate Bill No. 1399.

On motion, **Senate Bill No. 1399**, on same subject, was substituted for House Bill No. 1440.

Rep. Davis (Knox) moved that **Senate Bill No. 1399** be passed on third and final consideration.

Rep. Davis (Knox) moved that Senate Bill No. 1339 be reset one week to the Calendar for Thursday, May 23, 1991, which motion prevailed.

House Bill No. 1228 -- Handicapped Persons -- Requires services prescribed in early intervention program for handicapped infants, toddlers and families be implemented by October 1, 1992. Amends TCA, Title 49, Ch. 10, Pt. 7.

Rep. Turner (Hamilton) moved that House Bill No. 1228 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1228 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 49-10-702, is amended by adding the following language as a new subsection:

(c) Beginning the fourth year of planning for implementation of the statewide system of coordinated, comprehensive and multidisciplinary, interagency programs for handicapped infants and toddlers and their families the state shall be required to conduct multidisciplinary assessments, develop individualized family service plans, and make available case

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management services as prescribed by 20 U.S.C. §§1471-1485, as the same may be amended or supplemented.

In addition the state department of education shall have in place the following components under such program:

- (1) A child-find system;
- (2) A public awareness program;
- (3) A central directory;
- (4) A comprehensive system of personnel development;
- (5) Procedural safeguards related to assessment, evaluations and case management services; and
- (6) Data collection.

Implementation of the provisions of this subsection shall be on or before October 1, 1991. In no event shall the state be required to implement this subsection beyond the date federal funds terminate.

SECTION 2. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Thereupon, Rep. Turner (Hamilton) moved that **House Bill No. 1228**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels,

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Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0767 -- Taxes, Hotel Motel -- Provides stricter administration and collection of taxes. Amends TCA, Title 67, Ch. 4, Pt. 14.

On motion, House Bill No. 767 was made to conform with Senate Bill No. 248.

On motion, **Senate Bill No. 248**, on same subject, was substituted for House Bill No. 767.

Rep. Turner (Hamilton) moved that **Senate Bill No. 248** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment(s) No. 1 and Amendment No. 1 to Amendment No. 1.

Rep. Turner (Hamilton) moved that **Senate Bill No. 248** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	1
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Chiles -- 1.

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Representatives present and not voting were: Harrill, Sipes -- 2.

A motion to reconsider was tabled.

House Bill No. 1157 -- Motor Vehicles -- Increases civil penalty for violating motor vehicle sales licenses from \$100 to \$200. Amends TCA, Titles 47, 55.

Rep. Chumney moved that House Bill No. 1157 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1157 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-17-114(a) is amended by adding the following new subdivision:

(7)(A) Failure of the license holder at the time repair work is authorized to offer to return to the customer any parts which are removed from the motor vehicle and replaced during the process of repair by posting such offer in a prominent location or by printing the offer in bold print on the repair contract notice. Provided, however, any part which is retained by the license holder as part of a trade-in agreement or core charge agreement for a reconditioned part need not be returned to the customer unless the customer wishes the return of such replaced parts and agrees to pay the license holder the additional core charge or other trade-in fee. Provided further, any part which is required to be returned to a manufacturer or distributor or other warrantor under a warranty agreement or any part which is required by any federal or state statute or rule or regulation or local ordinance to be disposed of by the license holder need not be returned to the customer; or

(B) Failure of the license holder at the time the motor vehicle is returned to the customer to permit inspection of any parts retained by the license holder pursuant to the exceptions set forth in subdivision (1) of this subdivision.

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(C) The license holder need not retain any parts not returned to the customer after the motor vehicle has been returned to the customer.

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b) is amended by adding the following as a new subdivision to be appropriately designated:

() (A) The provisions of subdivision (A) and (B) of this subdivision shall only apply to those businesses which are not licensed under the provisions of Tennessee Code Annotated, Title 55, Chapter 17, Part 1,

(i) Failing of an motor vehicle repair facility at the time repair work is authorized to offer to return to the customer any parts which are removed from the motor vehicle and replaced during the process of repair by posting such offer in a prominent location or by printing the offer in bold print on the repair contract notice. Provided, however, any part which is retained by the facility as part of a trade-in agreement or core charge agreement for a reconditioned part need not be returned to the customer unless the customer wishes the return of such replaced parts and agrees to pay the facility the additional core charge or other trade-in fee. Provided further, any part which is required to be returned to a manufacturer or distributor or other warrantor under a warranty agreement or any part which is required by any federal or state statute or rule or regulation or local ordinance to be disposed of by the repair facility need not be returned to the customer; or

(ii) Failing of an motor vehicle repair facility at the time the motor vehicle is returned to the customer to permit inspection of any parts retained by the repair facility pursuant to the exceptions set forth in subdivision (A)(i) of this subdivision.

(iii) No motor vehicle repair facility need retain any parts not returned to the customer after the motor vehicle has been returned to the customer.

(B)(i) Failing to post in a prominent location notice of the provisions of this subdivision; or

(ii) Failing to print in bold print on the repair contract notice of the provisions of this subdivision.

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SECTION 3. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Rhinehart withdrew Commerce Amendment No. 2.

Rep. Chumney moved that **House Bill No. 1157** as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	50
Noes.	40
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bivens, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Ferguson, Garrett, Hargrove, Haun, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, McKee, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), Whitson, Williams (Shelby), Windle, Mr. Speaker Naifeh -- 50.

Representatives voting no were: Bell, Bittle, Callicott, Coffey, Cross, Davis (Knox), Duer, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Head, Hill, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, Meyer, Moore, Niceley, Odom, Peroulas Draper, Phillips, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Walley, West, Williams (Union), Winningham, Wix, Wood -- 40.

Representatives present and not voting were: Bragg, Hassell, Napier, Venable -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on House Bill No. 1157 and have this statement entered in the Journal.

Rep. Gary Odom

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on House Bill No. 1157 and have this statement entered in the Journal.

Rep. Beth Halteman

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 1157 and have this statement entered in the Journal.

Rep. Randy Stamps

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 0237 -- Sunset Laws -- Extends termination date of board of medical examiners. Amends TCA, Title 4, Ch. 29; Title 56, Ch. 3; Title 63, Chs. 6, 8, 19, 24; Title 68, Ch. 11.

Senate Amendment No. 2

Amend House Bill No. 237 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Board of medical examiners, created by § 63-6-101;

Rep. King moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 237, which motion prevailed by the following vote:

Ayes.	87
Noes.	6

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harriell, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Allen, Callicott, Coffey, Moore, Sipes, Williams (Union) -- 6.

A motion to reconsider was tabled.

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HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 0629** -- County Government -- Enacts "Charter Government Unification Act". Amends TCA, Title 7.

Rep. Severance moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 2 to **Senate Bill No. 629**, which motion prevailed.

MOTION TO RECONSIDER

Rep. Rhinehart moved to lift from the table the motion to reconsider Senate Bill No. 771, which motion prevailed.

Senate Bill No. 0771 -- Motor Vehicles, Titling and Registration -- Provides special license plates for armed forces reserve personnel. Amends TCA, Title 55, Ch. 4.

Rep. Rhinehart moved to reconsider action in passing Senate Bill No. 771, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Rhinehart moved that **Senate Bill No. 771** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	3
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Moore, Napier, Turner (Shelby) -- 3.

Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

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House Bill No. 1078 -- Custody and Support -- Creates certain requirements on individual party to collateral child support agreement. Amends TCA 36-5-101.

Rep. Buck moved to reset House Bill No. 1078 to the Message Calendar for Monday, May 20, 1991, which motion prevailed.

***House Bill No. 1252** -- Solid Waste Disposal -- Enacts "Solid Waste Management Act of 1991". Amends TCA, Titles 49, 67; Title 68, Ch. 31.

Rep. Purcell moved to reset House Bill No. 1252 to the Message Calendar for Monday, May 20, 1991, which motion prevailed.

***House Bill No. 1264** -- Motor Vehicles, Titling and Registration -- Extends deadline for issuance of new design automotive license plate from January 1, 1993 to January 1, 1995. Amends TCA 55-4-103.

Senate Amendment No. 2

Amend House Bill No. 1264 by deleting Section 1 in its entirety and substituting instead the following new Section 1:

SECTION 1. Tennessee Code Annotated, Section 55-4-103(1), is amended by adding the following new sentence:

Provided, however that the commissioner, in his discretion, is authorized to postpone the issuance of a new registration plate until January 1, 1995, after which such discretion is terminated and such plates shall be reissued on each fifth anniversary date thereafter.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1264**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson

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(Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep Crain, **House Bill No. 1616** was withdrawn from the House.

MOTION

Rep. Rhinehart moved that the Clerk hold Senate Bill No. 771 on the desk to be placed on Monday night's Message Calendar.

RULES SUSPENDED

Rep. Bragg moved to suspend **Rule No. 81(1)**, so that all bills on notice in Revenue and Expenditure subcommittee of Finance, Ways and Means Committee, can be heard at today's meeting.

RULES SUSPENDED

Rep. Davis (Gibson) moved that the rules be suspended for the introduction and passage on first consideration of House Bill(s) No(s). 1620 and 1627, which motion prevailed.

House Bill No. 1620 -- Humboldt -- Increases terms of mayor and aldermen; qualifications of municipal judge. Amends Chapter 436, Private Acts of 1937, as amended.

House Bill No. 1627 -- Utilities, Utility Districts -- Increases emergency telephone service charges for Gibson County. Amends TCA 7-86-108.

RULES SUSPENDED

Rep. Bragg moved that the rules be suspended for the introduction and passage on first consideration of House Bill No. 1628, which motion prevailed.

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House Bill No. 1628 -- Rutherford County -- Authorizes election commission to adopt electronic computerized method of storing and printing duplicate voter registration records. by *Bragg, *Liles.

HOUSE BILL REFERRED

Rep. Rhinehart moved that **House Bill No. 307** be recalled from the State and Local Government Committee and referred to the Finance, Ways and Means Committee, which motion prevailed.

RULES SUSPENDED

Rep. Rhinehart moved to suspend the rules so that **House Bill No. 307** can be heard in Revenue and Expenditure subcommittee of Finance, Ways and Means Committee today.

RULES SUSPENDED

Rep. Pinion moved that the rules be suspended for the purpose of introducing **House Resolution No. 111** out of order, which motion prevailed.

House Resolution No. 0111 -- Memorials, Interns -- William E. Langford. by *Pinion.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pinion, the resolution was adopted.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on Monday, May 20, 1991:

Senate Bill No. 0085: Rep. Ferguson.

Senate Bill No. 0100: Rep. Bragg.

House Bill No. 0457: Rep. Collier.

Senate Bill No. 0633: Rep. Herron.

Senate Bill No. 0771: Rep. Rhinehart.

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House Bill No. 0861: Rep. Robinson (Davidson).

House Bill No. 1292: Rep. Williams (Shelby).

House Bill No. 1594: Rep. Rhinehart.

**REMARKS
by Brenda Turner**

Had I been present on May 9, 1991, I would have voted aye for the Consent Calendar. I request that the Journal reflect had I been present for Regular Calendar I would have voted as follows: House Bill No. 280, aye; Senate Bill No. 9, aye; Senate Bill No. 1275, aye; House Bill No. 1407, aye; Senate Bill No. 827, aye; Senate Bill No. 629, aye; House Bill No. 288, aye; House Bill No. 936, aye; Senate Bill No. 56, aye; House Joint Resolution No. 234, aye; House Joint Resolution No. 260, aye; House Bill No. 791, aye; House Bill No. 1434, aye; Senate Bill No. 990, no; Senate Bill No. 724, no; Senate Bill No. 125, no; Senate Bill No. 1465, aye and Senate Bill No. 1273, aye.

I respectfully request that this be entered in the Journal.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 15: Rep(s). Halteman, Stamps as prime sponsor(s).

House Bill No. 32: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 78: Rep(s). Knight as prime sponsor(s).

House Bill No. 392: Rep(s). Arriola, Coffey, Ferguson, Givens, Jones R., Kernell, Knight, Rigsby, Rinks, Tindell, Walley as prime sponsor(s).

House Bill No. 394: Rep(s). Dixon as prime sponsor(s).

House Bill No. 752: Rep(s). Pruitt, Givens as prime sponsor(s).

House Bill No. 815: Rep(s). Turner(Hamilton) as prime sponsor(s).

House Bill No. 907: Rep(s). Dixon, Turner(Hamilton) as prime sponsor(s).

House Bill No. 1157: Rep(s). Knight as prime sponsor(s).

House Bill No. 1228: Rep(s). Givens as prime sponsor(s).

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House Joint Resolution No. 371: Rep(s). Whitson added as sponsor(s).

SPONSORS REMOVED

On motion, Rep. Kernell was removed as sponsor of **House Bill No. 752.**

REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

House Bill No. 735: Rep(s). Knight.

House Bill No. 1078: Rep. Buck.

House Bill No. 1252: Rep. Purcell.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0109 -- Memorials, Interns -- Amy Malcolm. by *Buck, *Byrd, *Herron.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0110 -- Memorials, Interns -- Chris Whaley. by *Rhinehart, *Bivens, *Jackson, *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0112 -- Memorials, Retirement -- Joe Hardin Sherlin. by *Gunnels.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0355 -- Memorials, Congratulations -- Warren Lavender. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0356 -- Memorials, Congratulations -- Sharon Moore. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0357 -- Memorials, Congratulations

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-- Truman Ledford. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0358 -- Memorials, Congratulations
-- David Dill. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0359 -- Memorials, Congratulations
-- Twanna Hill. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0360 -- Memorials, Congratulations
-- Terry Eden. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0361 -- Memorials, Congratulations
-- Sherri Abbott. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0362 -- Memorials, Congratulations
-- Diana Lay. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0363 -- Memorials, Congratulations
-- Lianne Huling. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0364 -- Memorials, Congratulations
-- Jay Collins. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0365 -- Memorials, Congratulations
-- Ernest Morgan. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0366 -- Memorials, Congratulations
-- Billy Bell. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0367 -- Memorials, Congratulations
-- David Dyle. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0368 -- Memorials, Sports -- Coach

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Charles Mazzone. by *Joyce.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0369 -- Memorials, Personal Occasion -- Mrs. Delsie Roberts Stapleton, 90th Birthday. by *Johnson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0370 -- Memorials, Recognition and Thanks -- Evelyn Bryan Johnson. by *Johnson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0371 -- Memorials, Sports -- South Greene High School girls' basketball team, TSSAA Class AA state champions. by *Haun.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0372 -- Memorials, Professional and Business Achievement -- Albert Williams, Reader's Digest Award. by *Arriola.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0373 -- Memorials, Death -- C. E. Northern. by *Niceley.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0374 -- Memorials, Sports -- Scott County High School girls' softball team. by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0375 -- Memorials, Sports -- Scott County High School girls' basketball team. by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0376 -- Memorials, Retirement -- Phillip Dean, Principal of Hamilton Elementary School. by *Turner L, *Jones R, *Dixon, *Byrd, *Chumney.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0248 -- Memorials, Personal Achievement -- Jeremy Lattimer, "Working Toward a New Century" contestant.

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Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0249 -- Memorials, Personal Achievement -- Emily Flowers, "Working Toward a New Century" contestant.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0250 -- Memorials, Public Service -- Gary King, President of Carter Oil Company.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0251 -- Memorials, Public Service -- James Lewis Allen.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0252 -- Memorials, Interns -- Paul Douglas Goddard, III.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0255 -- Naming and Designating -- Native American Indian Month, October 1991.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0256 -- Memorials, Public Service -- New Bethel Missionary Baptist Church.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred as noted:

***Senate Joint Resolution No. 0115** -- General Assembly, Studies -- Continues SJR 40 and SJR 492 to study alcohol and drug abuse prevention and treatment delivery systems.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0119** -- General Assembly, Studies -- Continues SJR 440 to study desirability and feasibility of establishing statewide program of general public assistance.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0201** -- General Assembly, Statement of Intent or Position -- Urges support for Olympic Whitewater Competition on Ocoee River.

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Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0246 -- Highway Signs -- Mayor Ryan Holley By-Pass.**

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1619 -- Greenbrier -- Revises charter relative to mayor's duties; salaries of mayor and aldermen; qualifications of municipal judge. Amends Chapter 436, Private Acts of 1937, as amended. by *Davidson.

Passed first consideration.

House Bill No. 1620 -- Humboldt -- Increases terms of mayor and aldermen. Amends Chapter 77, Private Acts of 1913, as amended. by *Davis Ray.

Passed first consideration.

House Bill No. 1622 -- Montgomery County -- Revises motor vehicle privilege tax. Amends Chapter 283, Private Acts of 1967, as amended. by *Head, *Knight.

Passed first consideration.

House Bill No. 1623 -- Dyersburg -- Revises hotel/motel tax rate. Amends Chapter 370, Private Acts of 1982, as amended. by *Holt.

Passed first consideration.

House Bill No. 1624 -- Benton -- Revises charter. Amends Chapter 417, Private Acts of 1951, as amended. by *Harrill.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0531 -- Taxes, Real Property --** Limits penalties and interest on property taxes in certain instances. Amends TCA, Title 67. (HB 1326).

Held pending third consideration of companion House Bill.

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Senate Bill No. 1323 -- Courts, Juvenile -- Levies \$12.00 fee on juvenile court cases; earmarks revenue for juvenile justice training center. Amends TCA, Title 37, Ch. 1, Pt. 1. (*HB 1122).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1557** -- Courts, General Sessions -- Expands jurisdiction of general sessions court to include probate and mental health commitments in Fayette County. Amends TCA 16-15-5004. (HB 1567).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1614 -- District Attorneys -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1615 -- Tullahoma -- Passed second consideration held on Clerk's desk pending approval by local delegation.

House Bill No. 1617 -- Humboldt -- Passed second consideration held on Clerk's desk pending approval by local delegation.

House Bill No. 1618 -- Bradford -- Passed second consideration held on Clerk's desk pending approval by local delegation.

ENROLLED BILLS

May 16, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 264; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

May 16, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 264.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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**MESSAGE FROM THE SENATE
May 16, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 264; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
May 16, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s) 264; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 16, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 332.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, reconsidered adoption of Amendment No. 2; withdrew Amendment No. 2, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENGROSSED BILLS
May 16, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1026, 1602, 1610 and 1611; also, House Joint Resolution(s) No(s). 46, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353 and 354; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
May 16, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith:

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House Bill(s) No(s). 264, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

SIGNED
May 16, 1991

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 582, 622, 631, 763, 919, 974, 1046, 1307, 1320, 1321 and 1384; also, Senate Joint Resolution(s) No(s). 211, 228, 230, 231, 233, 237, 238, 240, 241, 242, 245, 253, 265 and 266.

MESSAGE FROM THE SENATE
May 16, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 186, 305, 306, 323, 325 and 328; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 16, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 63, 1227, 1236, 1434, 1605 and 1607; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 16, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 39, 71, 210, 217, 219, 243, 280, 568, 966, 972, 1079, 1304, 1351, 1473 and 1483; also, House Joint Resolution(s) No(s). 176, 310, 312, 313, 314, 315, 316, 318, 327 and 336; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 16, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate

THURSDAY, MAY 16, 1991 -- FORTY-SEVENTH LEGISLATIVE DAY

Bill(s) No(s). 753; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0753** -- Home Improvement Contractors -- Expands application of Home Improvement Law. Amends TCA, Title 62, Ch. 37. by *Dunavant, *Davis E.

**MESSAGE FROM THE SENATE
May 16, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 11, 990, 1176, 1273, 1456 and 1465; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**SIGNED
May 16, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 11, 990, 1176, 1273, 1456 and 1465.

**ENROLLED BILLS
May 16, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 63, 155, 237, 332, 1227, 1236, 1264, 1434, 1605 and 1607; House Resolution(s) No(s). 111; also, House Joint Resolution(s) No(s). 186, 256, 280, 305, 306, 319, 320, 321, 322, 323, 324, 325 and 328; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
May 16, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 39, 71, 210, 217, 243, 280, 568, 966, 972, 1079, 1304, 1351, 1473 and 1483; also, House Joint Resolution(s) No(s). 176, 310, 312, 313, 314, 315, 316, 318, 327 and 336; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

THURSDAY, MAY 16, 1991 -- FORTY-SEVENTH LEGISLATIVE DAY

ENGROSSED BILLS

May 16, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 122, 867, 1157 and 1228; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 16, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 275; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0275 -- Naming and Designating --
World Wildlife Exposition Week, May 12-19, 1991. by *Rochelle, Crowe, Burks, O'Brien, Jordan, Greer, Cooper, McKnight, Gilbert, Hamilton.

MESSAGE FROM THE SENATE

May 16, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1012; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1012 -- Contractors --** Revises requirements for licensure as general contractor. Amends TCA, Title 62, Ch. 6. by *Dunavant.

MESSAGE FROM THE SENATE

May 16, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 227, 258, 259, 260, 261, 262, 263, 264, 267 and 268; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0227 -- Memorials, Congress -- Urges constitutional mandate for balanced federal budget. by *Gilbert.

THURSDAY, MAY 16, 1991 -- FORTY-SEVENTH LEGISLATIVE DAY

Senate Joint Resolution No. 0258 -- Memorials, Public Service -- Washington College Ruritan Club, recycling program. by *Crowe, Greer.

Senate Joint Resolution No. 0259 -- Naming and Designating -- Official Flag Day Poem. by *Crowe, Cooper.

Senate Joint Resolution No. 0260 -- Memorials, Public Service -- McDonald Elementary School NEED Project. by *Greer.

Senate Joint Resolution No. 0261 -- Memorials, Interns -- Anne E. Armstrong. by *Koella, Lawson, Cooper.

Senate Joint Resolution No. 0262 -- Memorials, Retirement -- Betty Ruth Alexander. by *Greer.

Senate Joint Resolution No. 0263 -- Memorials, Recognition and Thanks -- Marshall County Educational System. by *Womack.

Senate Joint Resolution No. 0264 -- Memorials, Retirement -- Dr. Jessie H. Warren. by *Womack, Cooper.

Senate Joint Resolution No. 0267 -- Memorials, Public Service -- "Keep Greene Clean". by *Greer.

Senate Joint Resolution No. 0268 -- Naming and Designating -- Masonry Day, June 1. 1991. by *McKnight, Dunavant, Person, Cooper.

SIGNED

May 16, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 63, 155, 237, 332, 1227, 1236, 1264, 1434, 1605 and 1607; House Joint Resolution(s) No(s). 186, 256, 280, 305, 306, 319, 320, 321, 322, 323, 324, 325 and 328; also, House Resolution(s) No(s). 111.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

May 16, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 20, 1991**: House Resolution(s) No(s). 109, 110 and 112; House Joint Resolution(s) No(s). 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 373, 374, 375 and 376; Senate Joint Resolution(s) No(s). 248, 250, 251, 252, 255 and 256.

PHILLIPS, Chair.

THURSDAY, MAY 16, 1991 -- FORTY-SEVENTH LEGISLATIVE DAY

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 4:00 p.m., Monday, May 20, 1991.